

FROM: Manfred K. (Whitey) Simon  
President, Harsens Island St. Clair Flats Association (HISCFA)  
TO: Subcommittee on Regulatory Affairs  
SUBJECT: Testimony, FEMA Floodplain Map Modernization  
DATE: May, 8, 2006

Ladies and Gentlemen:

I appreciate this opportunity to address you on a subject matter whose outcome will materially and economically impact me personally and all the residents of Clay Township but in particular property owners on Harsens Island. Obviously, I am here to represent my personal interests but also to speak for most if not all members of HISCFA – the Harsens Island St. Clair Flats Association. I am president of that almost 1,000 member home owners association. The Association goes on record as opposing any proposed 100-year flood plain elevation change which would devastate the market value of homes and properties and impose additional government regulation on homeowners' property use. Property owners on Harsens Island have endured two record lake level periods in the recent past – one in the '70s and one in the '80s.

The US Army Corps of Engineers and Michigan Department of Environmental Quality (MDEQ) permits will verify that hundreds of permits were issued to home owners authorizing, at great expense, new sea wall installations, property fill, and elevated structures and septic fields. All permits were and are still based on an elevation of 578.5 feet and property owners built to those levels to be free of mandatory flood insurance premiums, free of restrictive state and local building restrictions and realize reasonable property values. Over the years, this has helped stabilize our properties by halting soil erosion and increase their values with conforming structures and septic systems all of which contribute to a healthy tax base in this township.

I am a relative newcomer (approximately 15 years) to the ranks of permanent residents, but have already experienced the aforementioned high and low water levels which appear to be partially responsible for the proposed increase in 100-year flood plain elevation levels by 14 inches on Harsens

Island. I apologize if my remarks echo previous testimony but I hope that you will consider this an endorsement of their sentiments. FEMA must be well aware of the economic impact this decision has on disposable income by extracting (dare I say extorting) insurance premiums from this area for payouts in states regularly inundated by high water and associated flooding. This will only increase the outflow of dollars from Michigan to a federal government agency for disbursement to the states already receiving a disproportionate amount of the federal monies flowing out of Michigan.

Thus, after 27 years, with lake levels over four feet below flood stage, FEMA is now proposing to change the rules and invalidate all prior efforts. Logic would indicate that the only winner is FEMA. The impact of this action on the private sector is overwhelming and this committee must call for a moratorium until a full evaluation can be made. Incorporation of map amendments and utilization of modern mapping techniques can be accomplished using the present 100-year flood plain elevation guidelines without compromising the maps' integrity.

I will not question the purported validity of the study which FEMA cites as the reason for the new elevation nor will I doubt that the cited data supports the conclusion drawn by FEMA. However, I am not totally convinced that the study was not flawed or that all relevant data was in fact included. From experience we all know that studies can be designed to yield desired results and only data supportive of the desired conclusion is gathered. Too many studies have been used to alleviate concerns or cited to enact restrictive legislative or punitive actions in many areas from health care (smoking and safe medications come to mind) to pesticides and global warming which is both supported and denied by a plethora of studies. How many principal scientists involved in the FEMA study, data collection, interpretation, and investigation had intimate knowledge of this area? FEMA must be well aware of the economic impact this decision has on disposable income by extracting insurance premiums from this area for payouts in states regularly inundated by high water and associated flooding. This will only increase the outflow of dollars from Michigan to a federal government agency for disbursement to the states

already disadvantaging us. But much more is at stake. In essence, I believe FEMA is taking the path of least resistance. It is done all the time. Instead of eliminating the cause, FEMA wants to treat the symptom.

Let me cite from the most recent International Joint Commission (IJC) study which refers to its own and other previous studies which indicate that various individual measures that are possible to reduce the effects of high water levels as those that occurred during the recent crisis (1984-1987) have been identified. It further states that several of these measures have not been utilized at all or not utilized to their full capabilities for various reasons. Perhaps the most compelling reason, the first one cited in the IJC report, indicates that certain measures would reduce income or increase costs to various entities and no entity is eager to be the only one making the sacrifice.

Ladies and Gentlemen of the Subcommittee on Regulatory Affairs, FEMA has decided which entity will make the sacrifice – the homeowners in this area may be without an examination of the unintended consequences and hidden costs associated with this edict.

Therefore, I ask you: Can or has FEMA submitted results of their study which establish, at today's dollars, the overwhelming economic impact of the proposed change in the 100 years flood plain elevation levels? How many hundreds or thousands of septic fields installed over the past 27 years in full compliance with the Michigan Department of Health rules and regulations will become non-conforming? Will these septic systems have to be brought up to full compliance under the new Watershed Program Rules and proposed higher flood plain level upon transfer of ownership?

Harsens Island has approximately 30 miles of shoreline properties most of which have been improved with new sea walls and elevated structures as well as appropriately graded grounds. Has FEMA documented the number of properties which would require a second change in elevation of sea walls structures and grade as well as the associated costs?

Ladies and Gentlemen of this Subcommittee, are you convinced that an agency, which according to a recent draft bipartisan Senate report is so fundamentally dysfunctional that it should be abolished, should be empowered to cause irreparable harm to the citizens of Clay Township and possibly the entire state of Michigan

And finally, after reviewing the attached photographs of high water marks on sea walls of various ages, one can only conclude that properties and structures in compliance with current rules and regulations will only be net contributors to a fund benefiting the states prone to flooding on an almost annual basis. Insurance premiums should be based on a risk assessment not a need of the insurer to distribute disposable income.

I thank you for your attention.

Respectfully;

M. K. (Whitey) Simon







